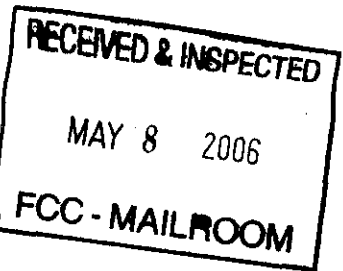


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LEMAR Consulting, Inc.
Technology Planning, Management, Professional Development



Saturday, April 29, 2006

Letter of Appeal
FCC, Office of the Secretary
445 12th Street SW
Room TW-A325
Washington, DC 20554

Re: Pleasantville School District
Billed Entity Number: 123365
Funding Year: 2005 (07/1/2005 - 06/30/2006)
471 Application Numbers: 484579, 485093, 485464
Funding Request Numbers: 1343635, 1343691, 1343784, 1344965, 1345358, 1345400,
1345581, 1345695, 1345791, 1346262, 1346307
CC Docket No. 02-6

I am writing to request a review the decision not to fund FRNs 1343635, 1343691, 1343784, 1344965, 1345358, 1345400, 1345581, 1345695, 1345791, 1346262, and 1346307 as indicated in the Funding Commitment Decision Letter (FCDL) dated November 16, 2006 and, again denied, in The Administrator's Decision on Appeal dated March 6, 2006.

The FCDL offered explanation that the funding commitment decision is due to "*a certification required according to program rules was not signed and returned.*" Considering the timely manner in which all requests had been supplied to reviewers, by the contact listed in the Form 471, this decision not to fund came as quite a surprise.

On appeal to USAC, we argued that the reviewer deviated from policy and procedure by attempting to contact the superintendent directly for a letter of authorization rather than through the authorized contact listed on the Form 471. We argued that all USAC requests to the authorized contact were received promptly and completely; that attempting to bypass the authorized contact and sending an email to the superintendent directly was inappropriate, that no emails to the superintendent were ever received or found, that a single call was logged by the District after the supposed procedural 7-day response, and that the SLD had deviated from procedure in its attempt to acquire documents. In essence, had the SLD followed standard procedure by requesting documentation via the authorized District contact, the documents would have been received in the same manner as all other requests of the authorized contact.

Although evidence of the arguments was supplied, the Administrator's Decision on Appeal totally ignored the reviewer's deviation from procedure in bypassing the authorized contact. It again stated that emails were sent directly to the superintendent without comment as to this procedural deviation and the fact that there is no proof of delivery nor any listing of the email account to which these notices were supposedly sent. Consequently, the appeal was denied because "*you have failed to provide evidence on appeal that SLD erred in its original decision.*"

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The letter goes on to state that per 47 C.F.R. §§ 54.500. *et. seq.* and CC Docket Nos. 96-45 and 97-21, Order, 18 FCC Rcd. 4520, DA 03-764, ¶6 (re. Mar. 13, 2003), "applicants are required to respond to SLD requests for the additional information necessary to complete their application within 7 days of being contacted...if applicants do not respond within the time period, SLD reviews the application based on the information before."

We ask that the FCC review this decision because the SLD clearly deviated from standard procedure, to request additional information from the district via the authorized contact listed on the Form 471, but instead attempted to contact the superintendent directly, even though there is no contact information for the superintendent listed on the Form 471.

Since the SLD did not follow normal procedure, the District should not be held accountable for not submitting the requested document. As such, PSD respectfully requests that this decision be reversed in its entirety.

Sincerely,

Martin Friedman,
Consultant, Pleasantville Public Schools

Attachments: Administrator's Decision on Appeal (March 6, 2006); 471 #484579
Administrator's Decision on Appeal (March 6, 2006); 471 #485093
Copy - Letter of Appeal to SLD (January 16, 2006)
Copy - email to SLD reviewer (November 1, 2005)

Monday, January 16, 2006

Letter of Appeal
Schools and Libraries Division
Box 125 – Correspondence Unit
80 South Jefferson Road
Whippany, NJ 07981

Re: Pleasantville Public Schools
Billed Entity Number: 123365
Funding Year: 2005 (07/1/2005 - 06/30/2006)
471 Application Numbers: 484579, 485093, 485464
Funding Request Numbers: 1343635, 1343691, 1343784, 1344965, 1345358,
1345400, 1345581, 1345695, 1345791, 1346262, 1346307

I am writing to appeal the decision not to fund the above referenced FRNs as indicated in the Funding Commitment Decision Letters each dated November 16, 2005. The letters explain that funding was denied due to *"a certification required according to program rules was not signed and returned."*

After responding to all Item 21 review inquiries in a timely manner, reading the contents of these letters came as quite a surprise. Inquiry (case #21-336933) proved little information as to what was missing but, considering that everything had been denied, it wasn't long before the realization that the item missing was a superintendent's letter confirming the district's filings.

I indirectly became aware of the request when the district called me stating that someone from the eRate program had called. After returning the call, he reported that the reviewer had been trying to contact the superintendent for a letter and had sent several emails. Confused as to why the request was being made directly to the superintendent, I posted an email to the reviewer (attached).

Rather than replying to the email, the reviewer called and informed me that there had been a policy change. That the reviewers were no longer to go through the designated contact on the Form 471 but directly to the superintendent. I expressed concern that, given the time sensitivity to any request, such a policy might prove problematic to many entities. He replied that he only had a problem with this district. I informed the district to look for the request and to reply promptly.

But there was no request. The district received no fax and the superintendent received no email request. The only record of any contact from the reviewer was the call logged on



November 1, 2005. When district administrator, Greg Allen, inquired, he was informed that the reviewer can "only give the information to the superintendent."

After being informed of the denial letter, the IT supervisor was given permission to search the superintendent's email including anything filtered out to the junk filter. No request was found.

Related but possibly less important is whether a request for the letter was needed. The reviewer knew that the district's fourth application was a duplicate and was cancelled, thereby bringing the district's total dollar amount to much less than the one million dollar threshold that we understand triggers such a request.

Also, of note is that, after November 1st, I have received requests for superintendent letters as the listed contact on the Forms 471. Apparently, there had been no policy change.

The district believes that, had this request been made through the established contact listed on the Form 471, it would have been attended in the same timely manner with which all other requests for information and certification were. Had this procedure been followed, the district would not have been denied all of its funding requests.

We ask, then, that the decision to deny funding for the above referenced FRNs be reversed and that the district be permitted to submit the requested letter. Please do not allow the children and taxpayers of the district to be victim to a poorly orchestrated request for documentation.

Sincerely,

A handwritten signature in black ink, appearing to read 'Martin Friedman', with a long, sweeping horizontal line extending to the right.

Martin Friedman,
eRate Consultant, Pleasantville Public Schools



ALEMAR Consulting, Inc.
Technology Planning, Management, Professional Development

From: Martin Friedman <friedman@alemarconsulting.com>
Date: November 1, 2005 9:53:51 AM EST
To: Michael Maciej <MMACIEJ@sl.universalservice.org>
Subject: app# 485464 & 485093 - Pleasantville BEN 123365

Mike,

Mr. Bloom of the Pleasantville Schools (BEN 123365) called me this morning stating that you had called the superintendent's office, message unclear. Shortly after, he telephoned you and found that you had attempted several times to contact the school for a superintendent's letter confirming the district's filings.

As the the duly authorized district contact for all things eRate, and someone with whom you have already been in contact, I was curious why this request had not been posed to me, as other reviewers have. Also, I'm aware that this letter is requested when the entity is requesting funds greater than one million dollars.

Naturally, we are curious as to why the letter is being requested and why this wasn't requested through the district's designated contact (taking the chance that the request might be lost in the process, as it almost was).

Thanks.

M



Universal Service Administrative Company
Schools & Libraries Division

Administrator's Decision on Appeal – Funding Year 2005-2006

March 06, 2006

Martin Friedman
Alemar Consulting, Inc.
442 Lyndhurst Drive
Broomall, PA 19008-4146

Re: Applicant Name: PLEASANTVILLE SCHOOL DISTRICT
Billed Entity Number: 123365
Form 471 Application Number: 484579
Funding Request Number(s): 1343635, 1343691, 1343784
Your Correspondence Dated: January 14, 2006

After thorough review and investigation of all relevant facts, the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC) has made its decision in regard to your appeal of SLD's Funding Year 2005 Funding Commitment Decision Letter for the Application Number indicated above. This letter explains the basis of SLD's decision. The date of this letter begins the 60-day time period for appealing this decision to the Federal Communications Commission (FCC). If your Letter of Appeal included more than one Application Number, please note that you will receive a separate letter for each application.

Funding Request Number(s): 1343635, 1343691, 1343784
Decision on Appeal: **Denied**
Explanation:

- On appeal, you seek reversal of SLD's decision to deny the funding requests because a certification required according to program rules was not signed and returned. In support of your request, you state that as the listed contact person for this application, you were unaware that a request for an authorization certification was requested directly to the Superintendent instead of you. You contacted the reviewer and were informed that there had been a policy change regarding who to contact for the authorization certification. However, you state that the district did not receive any request via fax or email, but on a call regarding the issue. You state that in past requests, you were the one who was contacted to obtain the authorization. In addition, you state that the reviewer was aware that a duplicate Form 471 application was cancelled. This reduced the district's total dollar

amount to less than the one million dollar threshold. You state that if the request was made through you, you would have responded in a timely manner.

- Upon thorough review of the appeal letter and the relevant documentation, the SLD has determined that the Gail Brooks, the Superintendent of Pleasantville School District, failed to respond to the Program Integrity Assurance (PIA) inquiries in a timely manner. The first 7-day initial contact was initiated on October 13, 2005, via e-mail. Ms. Brooks was asked to provide a signed, written confirmation that she authorized the filing of the Form 471 applications since the total of the funding requests for the funding year came to greater than \$1 million pre-discount. Ms. Brooks did not respond to the first 7-day request. The second 7-day contact was initiated on October 21, 2005, via e-mail. On October 31, 2005, the PIA reviewer called Ms. Brooks' office to inform about the e-mails and the requested information needed. However, Ms. Brooks failed to provide a complete response to PIA within the properly applied 7-day Procedure. Per Program Rules, if there is insufficient documentation to determine the eligibility of the funding commitment amounts requested on the Form 471 applications, the funding requests are deemed ineligible. You have failed to provide evidence on appeal that SLD erred in its original decision. Consequently, the appeal is denied.
- SLD reviews Form 471 applications and makes funding commitment decisions in compliance with FCC rules. *See* 47 C.F.R. § 54.500 *et. seq.* To conduct these reviews, SLD has put in place administrative measures to ensure the prompt resolution of applications. *See Request for Review by Marshall County School District, Federal-State Joint Board on Universal Service, Changes to the Board of Directors of National Exchange Carrier Association, Inc.*, CC Docket Nos. 96-45 and 97-21, Order, 18 FCC Rcd. 4520, DA 03-764, ¶ 6 (rel. Mar. 13, 2003). (*Marshall County*) One such measure is that applicants are required to respond to SLD's requests for the additional information necessary to complete their application within 7 days of being contacted. *Id.*; SLD section of the USAC web site, Reference Area, "Deadline for Information Requests," www.sl.universalservice.org/reference/deadline.asp This procedure is necessary to prevent undue delays during the application review process. *See Marshall County* ¶ 6. If applicants do not respond within this time period, SLD reviews the application based on the information before it.

If your appeal has been approved, but funding has been reduced or denied, you may appeal these decisions to either the SLD or the FCC. For appeals that have been denied in full, partially approved, dismissed, or canceled, you may file an appeal with the FCC. You should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. Your appeal must be received or postmarked within 60 days of the date on this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. If you are submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554. Further information and options for filing an appeal directly with the FCC can be found in the "Appeals Procedure" posted in the Reference Area of the SLD web site or by contacting the Client Service Bureau. We strongly recommend that you use the electronic filing options.

We thank you for your continued support, patience and cooperation during the appeal process.

Schools and Libraries Division
Universal Service Administrative Company

cc: Gregory Allen



Universal Service Administrative Company
Schools & Libraries Division

Administrator's Decision on Appeal – Funding Year 2005-2006

March 06, 2006

Martin Friedman
Aleamar Consulting, Inc.
442 Lyndhurst Drive
Broomall, PA 19008-4146

Re: Applicant Name: PLEASANTVILLE SCHOOL DISTRICT
Billed Entity Number: 123365
Form 471 Application Number: 485093
Funding Request Number(s): 1344965, 1345358, 1345400, 1345581, 1345695,
1345791
Your Correspondence Dated: January 14, 2006

After thorough review and investigation of all relevant facts, the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC) has made its decision in regard to your appeal of SLD's Funding Year 2005 Funding Commitment Decision Letter for the Application Number indicated above. This letter explains the basis of SLD's decision. The date of this letter begins the 60-day time period for appealing this decision to the Federal Communications Commission (FCC). If your Letter of Appeal included more than one Application Number, please note that you will receive a separate letter for each application.

Funding Request Number(s): 1344965, 1345358, 1345400, 1345581, 1345695,
1345791

Decision on Appeal: **Denied**

Explanation:

- On appeal, you seek reversal of SLD's decision to deny the funding requests because a certification required according to program rules was not signed and returned. In support of your request, you state that as the listed contact person for this application, you were unaware that a request for an authorization certification was requested directly to the Superintendent instead of you. You contacted the reviewer and were informed that there had been a policy change regarding who to contact for the authorization certification. However, you state that the district did not receive any request via fax or email, but on a call regarding the issue. You state that in past requests, you were the one who was contacted to obtain the authorization. In addition, you state that the reviewer was aware that a duplicate

Form 471 application was cancelled. This reduced the district's total dollar amount to less than the one million dollar threshold. You state that if the request was made through you, you would have responded in a timely manner.

- Upon thorough review of the appeal letter and the relevant documentation, the SLD has determined that the Gail Brooks, the Superintendent of Pleasantville School District, failed to respond to the Program Integrity Assurance (PIA) inquiries in a timely manner. The first 7-day initial contact was initiated on October 13, 2005, via e-mail. Ms. Brooks was asked to provide a signed, written confirmation that she authorized the filing of the Form 471 applications since the total of the funding requests for the funding year came to greater than \$1 million pre-discount. Ms. Brooks did not respond to the first 7-day request. The second 7-day contact was initiated on October 21, 2005, via e-mail. On October 31, 2005, the PIA reviewer called Ms. Brooks' office to inform about the e-mails and the requested information needed. However, Ms. Brooks failed to provide a complete response to PIA within the properly applied 7-day Procedure. Per Program Rules, if there is insufficient documentation to determine the eligibility of the funding commitment amounts requested on the Form 471 applications, the funding requests are deemed ineligible. You have failed to provide evidence on appeal that SLD erred in its original decision. Consequently, the appeal is denied.
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If your appeal has been approved, but funding has been reduced or denied, you may appeal these decisions to either the SLD or the FCC. For appeals that have been denied in full, partially approved, dismissed, or canceled, you may file an appeal with the FCC. You should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. Your appeal must be received or postmarked within 60 days of the date on this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. If you are submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554. Further information and options for filing an appeal directly with the FCC can be found in the "Appeals Procedure" posted in the Reference Area of the SLD web site or by contacting the Client Service Bureau. We strongly recommend that you use the electronic filing options.

We thank you for your continued support, patience and cooperation during the appeal process.

Schools and Libraries Division
Universal Service Administrative Company

cc: Gregory Allen



ALEMAR Consulting, Inc.

Technology Planning, Management, Professional Development

442 Lyndhurst Drive, Broomall, PA 19008-4146

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Washington, DC 20554

